

[1]

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1205/2003

UDHA RAM NEBHWANI & ANR.
Vs.
STATE OF RAJASTHAN & ANR.

DATE: 30.05.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Rajnish Gupta for the petitioners.
Mr. B.K. Sharma, Public Prosecutor for the State.

The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioners against the order dated 06.09.2003 passed by the Civil Judge (Jr. Division) & Judicial Magistrate, First Class (North), Ajmer City, Ajmer in Criminal Case No. 84/1992, whereby cognizance for the offences under Sections 420, 467, 468 and 471 IPC has been taken against the petitioners.

Learned counsel for the petitioners submits that the compromise has been arrived at between the parties outside the Court duly signed by the respective parties and the same has been attested by the Deputy Registrar (Judicial) of this Court which is on record.

He further submits that in view of the above compromise arrived at between the parties, there is no justification to continue the case. In support of his submissions the learned counsel for the petitioners placed reliance on the judgments rendered by this Court in the case of **Pradeep Kumar And Another Vs. State of Rajasthan, reported in 2005(1) RCC 281** and in the case of **Banwari & 7 Ors. Vs. State of Rajasthan, 2002 WLC (Raj.) UC 460.**

I have heard rival submissions of the respective parties and have also gone through the impugned order dated 06.09.2003 passed by the Court below as well as the judgments referred before me.

Although the offences are non-compoundable but as this Court in the case of **Banwari & 7 Ors. (supra)** has held that 'No use proceeding with trial when complainant does not want to prove matter- Trial Court directed to permit composition and drop proceedings", and the same view has been taken by the Hon'ble Supreme Court in the case of **Parmeshwari & Ors. Vs. Vanil, 2000 (1) SCC 248**, therefore, in view of the ratio decided by the Hon'ble Supreme Court and this Court, I deem it proper to direct the trial Court to permit the parties

[3]

to compound the offence and further direct to close the proceedings in the present matter.

With the aforesaid observations, the revision petition stands disposed of.

(K. S. RATHORE) , J.

/KKC/